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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,560	01/16/2004	Rafael Rivera	84,401	5971

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EXAMINER

BRAHAN, THOMAS J

ART UNIT PAPER NUMBER

3652

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,560

Applicant(s)

RIVERA ET AL.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. The following is a quotation of the sixth paragraph of 35 U.S.C. § 112:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

3. Claims 1-4 are rejected under 35 U.S.C. § 112, second and sixth paragraphs, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, and as being improper means plus function limitations. The claims include limitations such as "frame means", "spreader means" and "track means" which are improper means plus function limitations, as "frame", "spreader" and "track" are not functions. While the terms are generally understood, their exact meanings, for claim interpretation, are unclear. For example, what would be considered as a spreader means. Is this a spreader which grips the four corners of a standardized container, or is it any load engager such as a hook?

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, as understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Sawyer. Figures 3 and 4 of Sawyer show a crane for transfer of containers between pick-up and delivery locations comprising:

an elongated boom (above tracks 10 and 11) having a fixed travel path thereon (10 or 11);

a frame (7) supporting the boom with the fixed path extending in *operative* relationship between the pick-up and delivery locations;

a platform (above tracks 24) having a pair of track paths (31 and 32) established thereon;

mounting means (26) supporting the platform for angular displacement of the pair of track paths relative to the fixed travel path;

a pair of trolleys (9) on which containers are loaded at the pick-up station and unloaded at the delivery station; and

spreader means (hooks) respectively suspended from the trolleys to which the containers are attached for transfer thereof along the fixed path and either of the pair of track paths on the platform.

The frame includes short legs with wheeled trucks (13), as recited in claim 2. The boom projects over one of the pick-up and the deliver location and the platform projects over the other, as recited in claim 4.

6. Claims 1-4, as understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Taylor. Taylor shows a crane for transfer of containers between pick-up and delivery locations comprising:

an elongated boom (C) having a fixed travel path thereon (the two end portions of T and T);

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a frame (D) supporting the boom with the fixed path extending in operative relationship between the pick-up and delivery locations;

a platform (S or S') having a pair of tracks paths established thereon (similar to the two tracks g² and g³ shown in figure 7);

mounting means (the pivot for the platform S or S') for angular displacement of the pair of track paths relative to the boom (C);

a pair of trolleys (L, L¹, L²) on which containers are loaded at the pick-up station and unloaded at the delivery station; and

spreader means (hooks) respectively suspended from the trolleys to which the containers are attached for transfer thereof along the fixed path and either of the pair of track pair of track paths on the platform.

The frame includes legs with wheeled trucks (13), as recited in claim 2. The boom projects over one of the pick-up and the deliver location and the platform projects over the other, as recited in claim 4.

7. Collins, Rapier, Wright and Mordaunt et al are cited as showing related crane arrangements.

8. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (571) 272-6928. The fax number for all patent applications is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas J. Brahan
Primary Examiner
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